

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----X  
SANDRA S. KATZ,

Plaintiff,

v.

DONNA LEE H. WILLIAMS, INSURANCE  
COMMISSIONER OF THE STATE OF  
DELAWARE AS RECEIVER OF NATIONAL  
HERITAGE LIFE INSURANCE COMPANY  
IN LIQUIDATION,

Defendant and Third Party Plaintiff

v.

FEDERAL DEPOSIT INSURANCE  
CORPORATION, UNITED STATES OF AMERICA,  
E. PERRY KING, ALAN MASON, ALAN MASON  
LEGAL SERVICES, P.C., ALAN MASON LEGAL  
SERVICES, INC., ALAN MASON D/B/A ALAN  
MASON LEGAL SERVICES, P.C., ALAN MASON  
D/B/A ALAN MASON LEGAL SERVICES, INC.,  
AND ALAN MASON LEGAL SERVICES, P.C.  
D/B/A ALAN MASON LEGAL SERVICES, INC.,

Third Party Defendants.  
-----X

RECEIVED  
CLERK OF COURT  
JAN 21 2005

JAN 21 11:11

Civil Action No.

Removed From the Superior  
Court Department of the Trial  
Court, Worcester County  
Civil Action No. 04-2116A

**05-40014\_FDS**

**FILING FEE PAID:**

RECEIPT # 174

AMOUNT \$ 174

BY DPTY CLK R/H

DATE 1-21-05

**NOTICE OF REMOVAL FROM STATE COURT**

Now comes the Federal Deposit Insurance Corporation in its corporate capacity  
("FDIC"), and respectfully notifies the Court as follows:

1. The FDIC is the third-party defendant in a civil action now pending in the  
Superior Court Department of the Trial Court of Massachusetts, Worcester County,  
Massachusetts, Civil Action No. 04-2116A.

2. A trial has not yet been had in the aforesaid case.
3. A Certified copy of the Superior Court Docket is attached hereto as Exhibit "A".
4. Certified or attested copies of all records and proceedings in the Superior Court shall be filed with this court within thirty (30) days from the date hereof.
5. This Petition for Removal is brought pursuant to 12 U.S.C. Section 1819 (Fourth), and 28 U.S.C. Section 1446. No bond is required under the preceding statutory provisions.

WHEREFORE, the action now pending in the Superior Court Department of the Trial Court of Massachusetts, Worcester County, Massachusetts is properly removed therefrom to this Court.

Dated: New York, New York  
January 20, 2005

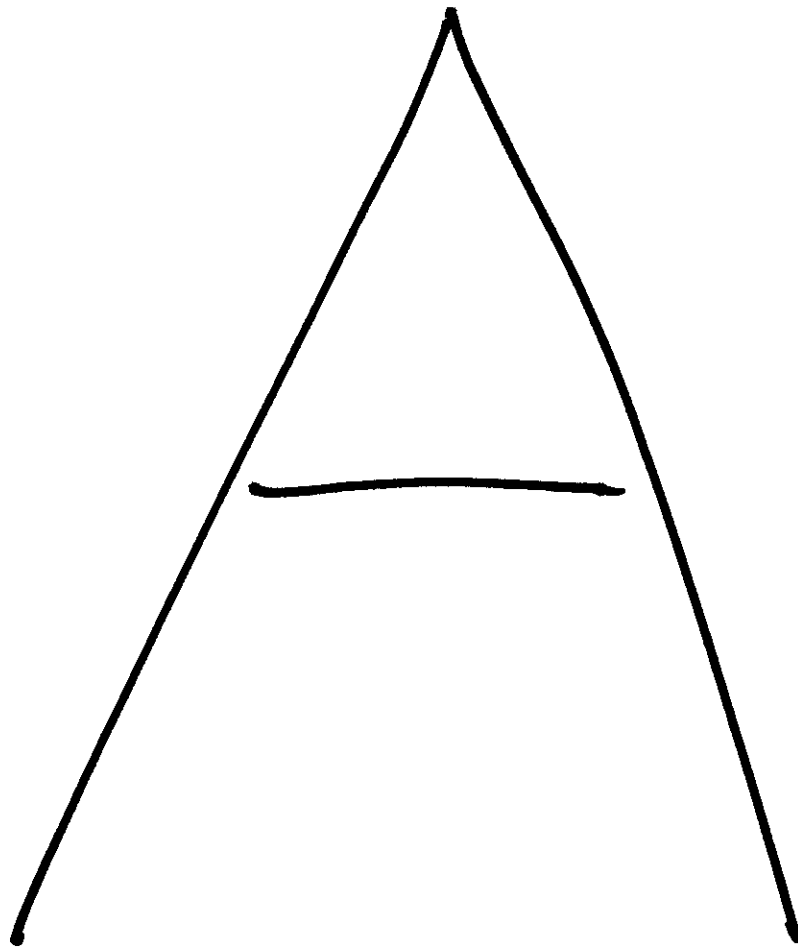
Respectfully submitted,

FEDERAL DEPOSIT INSURANCE  
CORPORATION

By its attorneys:



Paul D. Maggioni  
Federal Deposit Insurance Corporation  
New York Legal Services Office  
20 Exchange Place, 6<sup>th</sup> Floor  
New York, New York 10005  
(917) 320-2864



Commonwealth of Massachusetts  
WORCESTER SUPERIOR COURT

Case Summary  
Civil Docket

**WOCV2004-02116**  
**Katz v Williams Commissioner**

<b>File Date</b>	10/27/2004	<b>Status</b>	Needs review for service (acneserv)
<b>Status Date</b>	10/27/2004	<b>Session</b>	A - Civil A (12 Worcester)
<b>Origin</b>	1	<b>Case Type</b>	D13 - Declaratory judgement (231A)
<b>Lead Case</b>		<b>Track</b>	A

<b>Service</b>	01/25/2005	<b>Answer</b>	03/26/2005	<b>Rule12/19/20</b>	03/26/2005
<b>Rule 15</b>	01/20/2006	<b>Discovery</b>	12/16/2006	<b>Rule 56</b>	02/14/2007
<b>Final PTC</b>	06/14/2007	<b>Disposition</b>	10/27/2007	<b>Jury Trial</b>	No

**PARTIES**

**Plaintiff**

Sandra S. Katz  
19 Canton Street  
Worcester, MA 01608  
Active 10/27/2004

**Private Counsel 631049**

Robert B Gibbons  
Mirick O'Connell DeMallie & Lougee  
100 Front Street  
Suite 1700  
Worcester, MA 01608-1477  
Phone: 508-791-8500  
Fax: 508-791-8502  
Active 10/27/2004 Notify

**Private Counsel 656179**

Kristin D Thompson  
Mirick O'Connell DeMallie & Lougee  
100 Front Street  
Suite 1700  
Worcester, MA 01608-1477  
Phone: 508-791-8500  
Fax: 508-791-8502  
Active 10/27/2004 Notify

**Defendant**

Lee H. Williams Commissioner  
841 Silver Lake Boulevard  
Dover, DE 19901  
Commissioner of the State of Delaware  
Answered: 12/08/2004  
Answered 12/08/2004

**Private Counsel 552138**

James F Creed Jr  
Creed & Formica  
1329 Highland Avenue  
Needham, MA 02492  
Phone: 781-449-4600  
Fax: 781-449-4630  
Active 12/08/2004 Notify

**Alias defendant name**

National Heritage Life Insurance Company in  
Liquidation  
Active 10/27/2004

**WOCV2004-02116**  
**Katz v Williams Commissioner**

**Plaintiff/3rd party**

Donna Lee H Williams Commissioner  
of the State of Delaware as Receiver of National  
Heritage Life I  
Active 12/27/2004

**Defendant/3rd party**

Federal Deposit Insurance Corporation  
Active 12/27/2004

**Defendant/3rd party**

United States of America  
Active 12/27/2004

**Defendant/3rd party**

E Perry King  
Served: 01/03/2005  
Served (answr pending) 01/03/2005

**Defendant/3rd party**

Alan Mason  
Served: 01/03/2005  
Served (answr pending) 01/03/2005

**Defendant/3rd party**

Alan Mason Legal Services PC  
Served: 01/03/2005  
Served (answr pending) 01/03/2005

**WOCV2004-02116**  
**Katz v Williams Commissioner****Defendant/3rd party**

Alan Mason Legal Services Inc  
Served: 01/03/2005  
Served (answr pending) 01/03/2005

**Defendant/3rd party**

Alan Mason dba Alan Mason Legal Services PC  
Served: 01/03/2005  
Served (answr pending) 01/03/2005

**Defendant/3rd party**

Alan Mason dba Alan Mason Legal Services Inc  
Served: 01/03/2005  
Served (answr pending) 01/03/2005

**Defendant/3rd party**

Alan Mason Legal Services PC dba Alan Mason  
Legal Services Inc  
Served: 01/03/2005  
Served (answr pending) 01/03/2005

**ENTRIES**

Date	Paper	Text
10/27/2004	1.0	Complaint & civil action cover sheet filed
10/27/2004		Origin 1, Type D13, Track A.
10/27/2004		Filing fee paid in the amount of \$240.00 including \$15.00 surcharge and \$20.00 security fee.(\$275.00)
11/19/2004	2.0	SERVICE RETURNED (summons): Donna H. Williams 11/3/04 (no s)
12/08/2004	3.0	ANSWER: Lee H Williams Commissioner(Defendant) & COUNTERCLAIM
12/22/2004	4.0	Plff. Sandra S. Katz answer to deft's counterclaim
12/27/2004	5.0	Complaint of 3d-party Plf Lee H Williams Commissioner, National Heritage Life Insurance Company in Liquidation v Federal Deposit Insurance Corporation, United States of America, E Perry King, Alan Mason, Alan Mason Legal Services PC, Alan Mason Legal Services Inc along with filing fee in the amt of \$260.00 including security fee rec'd
01/03/2005	6.0	SERVICE RETURNED: E Perry King(Defendant/3rd party) Service made on

Commonwealth of Massachusetts  
WORCESTER SUPERIOR COURT  
Case Summary  
Civil Docket

WOCV2004-02116  
Katz v Williams Commissioner

Date	Paper	Text
	6.0	12/29/04 (last and usual place of abode)
01/03/2005	7.0	SERVICE RETURNED: Alan Mason(Defendant/3rd party) Service made on 12/29/04 (in hand)
01/03/2005	8.0	SERVICE RETURNED: Alan Mason Legal Services PC (Defendant/3rd party) Service made on 12/29/04 (in hand)
01/03/2005	9.0	SERVICE RETURNED: Alan Mason Legal Services Inc (Defendant/3rd party) Service made on 12/29/04 (in hand)
01/03/2005	10.0	SERVICE RETURNED: Alan Mason dba Alan Mason Legal Services PC(Defendant/3rd party) Service made on 12/29/04 (in hand)
01/03/2005	11.0	SERVICE RETURNED: Alan Mason dba Alan Mason Legal Services Inc(Defendant/3rd party) Service made on 12/29/04 (in hand)
01/03/2005	12.0	SERVICE RETURNED: Alan Mason Legal Services PC dba Alan Mason Legal Services Inc(Defendant/3rd party) Service made on 12/29/04 (in hand)

EVENTS

A true copy by photostatic process

Attest: *Denise D. Foley*  
Asst. Clerk

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----X  
SANDRA S. KATZ,

Plaintiff,

v.

Civil Action No.

DONNA LEE H. WILLIAMS, INSURANCE  
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Defendant and Third Party Plaintiff

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FEDERAL DEPOSIT INSURANCE  
CORPORATION, UNITED STATES OF AMERICA,  
E. PERRY KING, ALAN MASON, ALAN MASON  
LEGAL SERVICES, P.C., ALAN MASON LEGAL  
SERVICES, INC., ALAN MASON D/B/A ALAN  
MASON LEGAL SERVICES, P.C., ALAN MASON  
D/B/A ALAN MASON LEGAL SERVICES, INC.,  
AND ALAN MASON LEGAL SERVICES, P.C.  
D/B/A ALAN MASON LEGAL SERVICES, INC.,

Third Party Defendants.

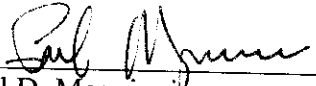
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### **CERTIFICATE OF SERVICE**

I, Paul D. Maggioni, hereby certify that the parties on the attached Service List required to be notified of removal pursuant to 28 U.S.C. Section 1446 have been so notified by placing true and exact copies of the foregoing Notice of Removal and Notice to State Court of Filing of Notice of Removal with the U.S. Postal Service, postage pre-paid.



Dated: New York, New York  
January 21, 2005

By:   
Paul D. Maggioni  
Federal Deposit Insurance Corporation  
New York Legal Services Office  
20 Exchange Place, 6<sup>th</sup> Floor  
New York, New York 10005  
(917) 320-2864

**SERVICE LIST**

Robert B. Gibbons, Esq.  
Mirick, O'Connell, DeMallie & Lougee LLP  
100 Front Street  
Worcester, MA 01608-1477

James F. Creed, Esq.  
Creed & Formica  
1329 Highland Avenue  
Needham, MA 02492

JS 44 (Rev. 11/04)

CIVIL COVER SHEET **05-40014**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I. (a) PLAINTIFFS

**ATTACHED**

(b) County of Residence of First Listed Plaintiff \_\_\_\_\_  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number) \_\_\_\_\_

## DEFENDANTS

**ATTACHED**

County of Residence of First Listed Defendant \_\_\_\_\_

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) \_\_\_\_\_

## II. BASIS OF JURISDICTION

(Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☒ 1 PTF ☐ 1 DEF Incorporated or Principal Place of Business In This State ☐ 4 PTF ☐ 4 DEF
- Citizen of Another State ☐ 2 PTF ☐ 2 DEF Incorporated and Principal Place of Business In Another State ☐ 5 PTF ☒ 5 DEF
- Citizen or Subject of a Foreign Country ☐ 3 PTF ☐ 3 DEF Foreign Nation ☐ 6 PTF ☐ 6 DEF

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input checked="" type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<b>PRISONER PETITIONS</b> <input type="checkbox"/> 510 Motions to Vacate Sentence <b>Habeas Corpus:</b> <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

## V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

## VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

**28 U.S.C. § 171**

Brief description of cause:

**Federal Tort Claims Act**

## VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND:

☐ Yes ☐ No

## VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

**1/20/05**

SIGNATURE OF ATTORNEY OF RECORD

**Paul Mymun**

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

05-40014

1. (a) **Plaintiff**

SANDRA S. KATZ

(b) County of Residence: Worcester

(c) **Attorney**

Robert B. Gibbons  
Mirick O'Connell, DeMallie & Lougee  
100 Front Street  
Worcester, MA 01608  
508-898-1501

U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
CLERK'S OFFICE

2005 JUN 21 AM 11:11

U.S. DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

2. **Defendant and Third Party Plaintiff**

DONNA LEE H. WILLIAMS, INSURANCE  
COMMISSIONER OF THE STATE OF  
DELAWARE AS RECEIVER OF NATIONAL  
HERITAGE LIFE INSURANCE COMPANY  
IN LIQUIDATION

**Attorney**

James F. Creed  
Creed & Formica  
1329 Highland Avenue  
Needham, MA 02492  
781-449-4600

3. **Third Party Defendants**

FEDERAL DEPOSIT INSURANCE CORPORATION, UNITED STATES OF  
AMERICA, E. PERRY KING, ALAN MASON, ALAN MASON LEGAL  
SERVICES, P.C., ALAN MASON LEGAL SERVICES, INC., ALAN MASON  
D/B/A ALAN MASON LEGAL SERVICES, P.C., ALAN MASON D/B/A  
ALAN MASON LEGAL SERVICES, INC., AND ALAN MASON LEGAL  
SERVICES, P.C. D/B/A ALAN MASON LEGAL SERVICES, INC.,

**Attorney for the Federal Deposit Insurance Corporation**

Paul D. Maggioni  
FDIC, Legal Services Office  
20 Exchange Place  
New York, NY 10005  
917-320-2864

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

05-40014

1. Title of case (name of first party on each side only) Sandra S. Katz v. Donna Lee H. Williams, Ins. Commissioner of the State of Delaware v. Federal Deposit Ins. Corp.

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

☐

I. 160, 410, 470, R.23, REGARDLESS OF NATURE OF SUIT.

☐

II. 195, 368, 400, 440, 441-444, 540, 550, 555, 625, 710, 720, 730, 740, 790, 791, 820\*, 830\*, 840\*, 850, 890, 892-894, 895, 950.

☐

III. 110, 120, 130, 140, 151, 190, 210, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 370, 371, 380, 385, 450, 891.

☒

IV. 220, 422, 423, 430, 460, 510, 530, 610, 620, 630, 640, 650, 660, 690, 810, 861-865, 870, 871, 875, 900.

☐

V. 150, 152, 153.

\*Also complete AO 120 or AO 121  
for patent, trademark or copyright cases  
DISTRICT OF MASS.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES ☐ NO ☒

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES ☐ NO ☒

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES ☐ NO ☐

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES ☐ NO ☒

7. Do all of the parties in this action, excluding governmental agencies of the united states and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES ☒ NO ☐

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division ☐ Central Division ☒ Western Division ☐

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division ☐ Central Division ☐ Western Division ☐

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Paul D. Maggioni

ADDRESS FDIC, Legal Services office, 20 Exchange Place, NY, NY 10005

TELEPHONE NO. 917-320-2864